

REMARKS

Applicants reply to the Office Action dated November 21, 2007 within three months. The Examiner rejects claims 1, 2, 4-7 and 9-18. Applicants add new claim 19. Applicants cancel claims 2, 5, 7, 10, 11, 12-15, and 17-18 without prejudice to filing one or more claims having similar subject matter. Support for the amendments and new claim may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments and new claim. Reconsideration of the pending claims is respectfully requested.

Applicants thank the Examiner for reviewing the proposed claims on February 21, 2008 and for agreeing to a follow-up call on February 28, 2008 at 3pm EST.

The Examiner rejects claims 1-2, 5-7, 10, 12, 14, 16 and 18 under 35 U.S.C. 103(a) as being unpatentable over Kershaw et al. (US Patent No. 5,565,316) in view of Corder (US Patent No. 5,387,104), Knutson (US Patent No. 7,050,753) and Whitehurst et al (US Patent No. 6,978,115). Applicants respectfully traverse this rejection.

Kershaw generally discloses an online exam system. Applicants assert Applicants are not simply claiming an online exam system and that the presently claimed invention goes far beyond an online exam system.

Corder generally discloses a system for integrating different stimuli to advance communication skills. However, **Corder does not disclose the use of assistive technology to optimize a student's performance in answering test questions, regardless of the student's communication skills.**

Knutson generally discloses a learning template to optimize instruction. However, Knutson does not disclose a user profile based on an individual education plan and presentation options. Moreover, **Knutson does not disclose the optimization of assistive technology, regardless of the quality or type of instruction provided.**

Whitehurst generally discloses assessing a student's mastery of concepts taught using instructional strategies. However, **Whitehurst does not disclose the assessment of a student's performance on test questions based on certain assistive technology, regardless of the subject matter and concepts taught.**

Moreover, to expedite examination, Applicants amend the claims and cancel certain claims, so Applicants assert that the rejections are now moot due to the amendments and cancelling of certain claims.

Accordingly, the cited references, alone or in combination, do not disclose or contemplate the unique combination of the following elements, as similarly recited by independent claims 1 and 6:

- receive an individual education plan for a student related to a particular grade level
- the individual education plan includes indications of presentation options;
- determine the presentation options based upon the individual education plan
- the presentation options relate to the particular grade level and assistive technology for the student
- the presentation options are based upon legal disabilities of the student;
- incorporate the presentation options into an online profile for the student
- the on-line profile is based at least in part upon the individual educational plan for the student
- the on-line profile provides an indication of presentation options available to the student;
- receive an on-line exam having a plurality of questions based on a particular subject and the particular grade level;
- provide, during the online exam, the presentation options to the student, based at least in part upon the on-line profile;
- receive, from the student, a selection of at least one of the presentation options;
- adjust, based on the selection from the student, the plurality of questions to conform with the presentation options by using an assistive technology program to create adjusted questions;
- block a display of image descriptions which are not specified in the individual education profile;
- disable access, by the student, to the presentation options not permitted for use by the student;
- present, during the online exam, the adjusted questions to the student;
- receive answers to the adjusted questions from the online exam and storing the answers; and
- compile data relating to use of the presentation options, and performance of the student in answering the adjusted questions on the online exam
- determine if a timeframe for answering each of the adjusted questions was appropriate
- determine an effectiveness of the presentation option selected by the student.
- modify the presentation options based at least in part upon the data relating to use of the presentation options.

Claims 16 and 19 variously depend from independent claims 1 and 6, so claims 16 and 19 are differentiated from the cited references for the same reasons as set forth above, in addition to their own respective features.

The Examiner next rejects claims 4, 9, 11, 13, 15 and 17 under 35 U.S.C. 103(a) as being unpatentable over Kershaw et al. (US Patent No. 5,565,316) in view of Corder (US Patent No. 5,387,104), Knutson (US Patent No. 7,050,753) and Whitehurst et al (US Patent No. 6,978,115), in further view of Rogers. Applicants respectfully traverse this rejection.

The Rogers reference merely provides practice questions. As set forth above, neither Kershaw, Corder, Knutson, Whitehurst, nor any combination thereof, disclose nor contemplate at least the numerous listed elements and Rogers does not disclose or teach such missing element. Moreover, the practice area may be initiated and utilized during an on-line exam. The cited documents do not expressly or implicitly suggest providing a practice area with questions, in an approved presentation option, during an exam, let alone during an on-line exam. The cited documents may teach away from this functionality, as practice questions are not typically offered during an exam, or during an on-line exam. Further, claims 4 and 9 variously depend from independent claims 1 and 6, so claims 4 and 9 are differentiated from the cited references for the same reasons as set forth above, in addition to their own respective features.

Claims 11, 13, 15 and 17 have been cancelled, so these rejections are now moot.

In view of the above remarks, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited prior art. Accordingly, Applicants respectfully request allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject Application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814, including any required extension fees.

Respectfully submitted,

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